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10/682,514	10/08/2003	Joel L. Wittenberg	4906P148	2947
8791 7590 04/15/2008 BLAKELY SOKOLOFF TAYLOR & ZAFMAN 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
EXAMINER				
O'CONNOR, BRIAN T				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/682,514

Applicant(s)

WITTENBERG ET AL.

Examiner

BRIAN T. O'CONNOR

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This office action is in response to applicant's amendment filed on 01/10/2008.
2. Claims 2 and 9 have been amended. Claims 1-20 are currently pending.
3. Due to applicant's amendment of claims 2 and 9, the objection to claims 2 and 9 is withdrawn.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, 5-9, and 12-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Watanabe (US 7,225,269).

With respect to claim 1, Watanabe discloses a network device or element ("Administration Center" of Figure 8) that conducts the process of receiving a packet from a remote client (column 3, lines 57-59) and examining a set of rules (12 of Figure 8) to determine if the packet will be redirected to another network system's address. If the rules indicate a transfer is required then the network device ("Administration Center" of Figure 8) will forward the packet to a transmit-packet processing unit (13 of Figure 8)

to perform the redirected forwarding (column 3, lines 60-64; column 10, lines 9-37). The newly forwarded packet will receive a new destination address (Figure 9; column 9, lines 59-65).

With respect to claim 2, Watanabe further discloses that if the packet is determined not be redirected or transferred then a notification is sent to the source of the received packet (S415 of Figure 10).

With respect to claim 5, Watanabe does not specifically disclose using an API to configure routing rules or policies.

Office Notice is taken that both the practice and benefit of using APIs to implement a process is well known and expected in the art. It would have been obvious to use APIs to update and configure the rules of Watanabe as the use of APIs is known to provide improved and easier-to-use code and software interfaces.

With respect to claim 6, Watanabe further discloses the network device receiving updates rules for routing policies (S43 of Figure 6) and searching the current rules for a coincident connection (S431 of Figure 6, viewed as equivalent to determining if a replacement policy exists for a connection) and then updating or replacing the original routing rules (S434, S435, S436 of Figure 6).

With respect to claim 7, Watanabe further discloses that a URL, which is recognized as indication of an HTTP packet, is used to determine if a packet is to be transferred (column 5, lines 43-53).

With respect to claim 8, Watanabe discloses a network device or element ("Administration Center" of Figure 8) that conducts the process of receiving a packet

from a remote client (column 3, lines 57-59) and examining a set of rules (12 of Figure 8) to determine if the packet will be redirected to another network system's address. If the rules indicate a transfer is required then the network device ("Administration Center" of Figure 8) will forward the packet to a transmit-packet processing unit (13 of Figure 8) to perform the redirected forwarding (column 3, lines 60-64; column 10, lines 9-37). The newly forwarded packet will receive a new destination address (Figure 9; column 9, lines 59-65). Watanabe also discloses a computer readable medium to conduct the method (claim 9).

With respect to claim 9, Watanabe further discloses that if the packet is determined not be redirected or transferred then a notification is sent to the source of the received packet (S415 of Figure 10).

With respect to claim 12, Watanabe does not specifically disclose using an API to configure routing rules or policies.

Office Notice is taken that both the practice and benefit of using APIs to implement a process is well known and expected in the art. It would have been obvious to use APIs to update and configure the rules of Watanabe as the use of APIs is known to provide improved and easier-to-use code and software interfaces.

With respect to claim 13, Watanabe further discloses the network device receiving updates rules for routing policies (S43 of Figure 6) and searching the current rules for a coincident connection (S431 of Figure 6, viewed as equivalent to determining if a replacement policy exists for a connection) and then updating or replacing the original routing rules (S434, S435, S436 of Figure 6).

With respect to claim 14, Watanabe further discloses that a URL, which is recognized as indication of an HTTP packet, is used to determine if a packet is to be transferred (column 5, lines 43-53).

With respect to claim 15, Watanabe discloses a network device or element ("Administration Center" of Figure 8) that contains a control engine (11, 13 of Figure 8) with a redirect unit (13 of Figure 8), and contains a forwarding engine (12 of Figure 8). The network device receives a packet from a remote client (column 3, lines 57-59) and examining a set of rules (12 of Figure 8) to determine if the packet will be redirected to another network system's address. If the rules indicate a transfer is required then the network device ("Administration Center" of Figure 8) will forward the packet to a transmit-packet processing unit (13 of Figure 8) to perform the redirected forwarding (column 3, lines 60-64; column 10, lines 9-37). The newly forwarded packet will receive a new destination address (Figure 9; column 9, lines 59-65).

With respect to claim 16, Watanabe further discloses the network device contains a gateway-rule storing table (line 23-24 of claim 3; viewed as equivalent to a storage unit).

With respect to claim 17, Watanabe further discloses the network device receiving updates rules for routing policies (S43 of Figure 6) and searching the current rules for a coincident connection (S431 of Figure 6, viewed as equivalent to determining if a replacement policy exists for a connection) and then updating or replacing the original routing rules (S434, S435, S436 of Figure 6).

With respect to claim 18, Watanabe does not specifically disclose using an API to configure routing rules or policies.

Office Notice is taken that both the practice and benefit of using APIs to implement a process is well known and expected in the art. It would have been obvious to use APIs to update and configure the rules of Watanabe as the use of APIs is known to provide improved and easier-to-use code and software interfaces.

With respect to claim 19, Watanabe further discloses that the routing table includes destination ports for determining forwarding or deletion of received packets ("Range of Destination Port Number" of Figure 9).

With respect to claim 20, Watanabe further discloses that a URL, which is recognized as indication of an HTTP packet, is used to determine if a packet is to be transferred (column 5, lines 43-53).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3, 4, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe in view of Bushkin (US 2003/0135548).

With respect to claim 3, Watanabe does not disclose creating a redirect message to display on the remote client. Watanabe discloses a timeout value in the rules table ("Effective Time" of Figure 9).

Bushkin, in an invention related to redirecting web pages, discloses displaying an error web screen on the client machine (Figure 1, Figure 2) when the original web page is not available. One of ordinary skill in the art would realize the use of this technique when a redirection server changes the received packet's address.

One of ordinary skill in the art would realize the benefit of improved user interfaces by showing the client a redirecting page notification before moving to the redirected page. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the technique of Bushkin with the method of Watanabe.

With respect to claim 4, Watanabe further discloses that a timeout value is included with the routing rules (Figure 9, column 8, lines 20-32).

With respect to claim 10, Watanabe does not disclose creating a redirect message to display on the remote client. Watanabe discloses a timeout value in the rules table ("Effective Time" of Figure 9).

Bushkin, in an invention related to redirecting web pages, discloses displaying an error web screen on the client machine (Figure 1, Figure 2) when the original web page is not available. One of ordinary skill in the art would realize the use of this technique when a redirection server changes the received packet's address.

One of ordinary skill in the art would realize the benefit of improved user interfaces by showing the client a redirecting page notification before moving to the

redirected page. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the technique of Bushkin with the method of Watanabe.

With respect to claim 11, Watanabe further discloses that a timeout value is included with the routing rules (Figure 9, column 8, lines 20-32).

Response to Arguments

8. Applicant's arguments filed on 01/10/2008 have been fully considered but they are not persuasive.

A) Applicant argues, on page 9 (lines 6-8), with respect to claims 1 and 8 that "The claims require that two devices be physically located within one network element or box".

The Examiner maintains the 35 USC 102(e) rejection of claims 1 and 8 as anticipated by Watanabe. The claim language states "in a single network element, the method comprising" on line 1-2, then on lines 3-4 "a packet from a remote client". The plain meaning from the claim language is that the client is remote or external to the single network element. In accordance with MPEP 2111.01 claims are read with their plain meaning, therefore the remote client is not required to be located within the single network element. In addition the processing in the administration center (Figure 8) is performed by a management unit (11 of Figure 8), rule processing unit (12 of Figure 8), and rule transfer unit (13 of Figure 8); all of these units are inside the administration center.

B) Applicant argues, on page 9 (lines 18-21), with respect to claims 1 and 8 that "Watanabe's administration center 1 at least does not perform, 'forwarding a return

packet from the redirect facility to the remote client, the return packet including a redirect address associated with another destination”.

The Examiner maintains the 35 USC 102(e) rejection of claims 1 and 8 as anticipated by Watanabe. The claim language states “in a single network element, the method comprising” on line 1-2, then on lines 3-4 “a packet from a remote client”. The plain meaning from the claim language is that the client is remote or external to the single network element. In accordance with MPEP 2111.01 claims are read with their plain meaning, therefore the remote client is not required to be located within the single network element. The return packet sent from the redirect facility is sent to the remote client which it not required by the plain meaning of the claim 1 and 8 recited “remote client”.

C) Applicant argues, on page 10 (lines 4-12), with respect to claims 1 and 8 that “Watanabe does not teach or suggest any method performed with ‘[a] single network element’”.

The Examiner maintains the 35 USC 102(e) rejection of claims 1 and 8 as anticipated by Watanabe. The processing in the administration center (Figure 8) is performed by a management unit (11 of Figure 8), rule processing unit (12 of Figure 8), and rule transfer unit (13 of Figure 8); all of these units are inside the administration center.

D) Applicant argues, on page 11 (last paragraph), with respect to claim 15 that “the arguments above with respect to Watanabe reference not performing the recited limitations in claims 1 and 8 within a single network element apply equally to claim 15”.

The Examiner maintains the 35 USC 102(e) rejection of claim 15 as anticipated by Watanabe. The claim language states "A single network element, comprising" on line 1, then on lines 4-5 "a remote client". The plain meaning from the claim language is that the client is remote or external to the single network element. In accordance with MPEP 2111.01 claims are read with their plain meaning, therefore the remote client is not required to be located within the single network element. In addition the processing in the administration center (Figure 8) is performed by a management unit (11 of Figure 8), rule processing unit (12 of Figure 8), and rule transfer unit (13 of Figure 8); all of these units are inside the administration center.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN T. O'CONNOR whose telephone number is (571)270-1081. The examiner can normally be reached on 9:00AM-6:30PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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April 11, 2008
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